

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
AT BOWLING GREEN

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In re:

Chapter 7
Case No: 09-10371-SMB

MARC S. DREIER,

Debtor.
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**ORDER PURSUANT TO RULE 2004 OF THE FEDERAL RULES
OF BANKRUPTCY PROCEDURE DIRECTING THE EXAMINATION
OF AND PRODUCTION OF DOCUMENTS BY JOHN C. KIRKLAND, ESQ.**

Upon the application (the "Application") of Salvatore LaMonica, Esq., the Chapter 7 Trustee (the "Trustee") of the estate of Marc S. Dreier (the "Debtor"), through his counsel, LaMonica Herbst & Maniscalco, LLP ("LH&M"), seeking the entry of an Order under Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Rules"), authorizing and directing the examination of John C. Kirkland, Esq. (the "Witness") and directing the production of documents, as more particularly set forth herein, and good and sufficient cause appearing; and no adverse interest being represented, it is hereby

SMB 5/12/09 ORDERED, that, under Rule 2004, the Application be and the same is hereby approved in all respects; and, it is further

ORDERED, SMB 5/12/09 that the Trustee is authorized to issue and serve a Subpoena on the Witness in accordance with FRCP 45; that the Witness be, and hereby is, directed to appear for an examination under Rule 2004 on the date and time designated in the Subpoena, which is duly issued and served upon him under this Order; and, it is further

ORDERED, that the examination shall to continue from day to day until it is completed; and, it is further

ORDERED, that the Witness be, and hereby is, directed to produce for examination and

inspection at LaMonica Herbst & Maniscalco, LLP, 3305 Jerusalem Avenue, Ste 201, Wantagh, NY 11793 at least three (3) business days prior to the scheduled examination, all documents in the Witness' custody, possession or control concerning or relating to the following:

- a) The Witness' outstanding accounts receivable of all his clients;
- b) All contact information, including, name, address, email, phone and fax for each client on the Witness' accounts receivable list at the Firm;
- c) The Witness' time sheets for all time maintained for legal services rendered to clients of the Firm for the period January 1, 2008 to the cessation of the Firm's operations;
- d) The Witness' employment agreement with the Firm;
- e) Copies of any agreements entered into by and between the Witness and his clients concerning alternative payment plans for the clients' outstanding accounts receivable with the Firm; and
- f) An accounting of all payments made on the outstanding account receivables of the Witness' clients for the period September 1, 2008 to the present.

SMB 5/12/09 ORDERED, that pursuant to Rule 9016, LH&M, as officers of the Court, be and hereby are authorized and directed to issue a subpoena and document request (the "Subpoena"), substantially in the form of Subpoena annexed to the Application; and, it is further

ORDERED, that service of a copy of this Order and the Subpoena on the Witness at the address specified in the Application or such other last known address as may be ascertained by the Trustee, by certified mail at least ten (10) days prior to the date set for the deposition be deemed good and sufficient notice and service of this Order and Subpoena.

Dated: New York, New York
May 12, 2009

/s/ STUART M. BERNSTEIN
Honorable Stuart M. Bernstein
Chief United States Bankruptcy Judge